

REMARKS

Claims 1-19 have been examined. New claims 20-24 have been added to further describe the patentable features of the present invention.

I. Claim Rejections under 35 U.S.C. § 102

Claims 1-2 and 8-9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Fuersich et al. (U.S. Pub. No. 2003/0044070). Applicant traverses this rejection.

Claim 1, as amended, recites “an identification step of identifying an individual person being photographed based on the face portions recognized in the image.” Fuersich, at best, discloses using information of the detected red-eye candidates to determine a face position (paragraph 54). Thus, it appears Fuersich discloses finding potential faces in an image. Fuersich, however, does not disclose an identification step which identifies individual persons. That is, Fuersich does not disclose differentiating one face from another, such that individual persons in an image can be recognized and identified. Thus, Fuersich fails to disclose each and every feature of claim. Claim 1 should be patentable for at least this reason.

Claims 2, 8 and 9 should be patentable at least by virtue of their dependencies.

II. Rejection of claims 3-7, 11-12, 14-15 and 17-18 under 35 U.S.C. § 103

Claims 3-7, 11-12, 14-15, and 17-18 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Fuersich et al. in view of Chen et al. (U.S. Pub. No. 2002/0081032). Applicant traverses this rejection.

Claims 3-6 have been amended. Thus, claims 3-6 include analogous, though not necessarily coextensive features recited in claim 1, and therefore, claims 3-6 are patentable for the reasons discussed for claim 1. Chen does not correct the deficiencies of Fuersich in view of the arguments presented above in conjunction with claim 1.

The remaining claims should be patentable at least by virtue of their dependencies.

III. Rejection of claim 10 under 35 U.S.C. § 103

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fuersich et al. as applied to claim 1 above, and further in view of Nesterov et al. (U.S. Patent No. 6,980,691). The Examiner concedes that Fuersich fails to teach or suggest detecting/correcting a gold-eye occurrence, and cites to Nesterov to correct this deficiency. Applicant submits that claim 10 is patentable at least by virtue of its dependency upon claim 1. That is, Nesterov does not correct the deficiencies of Fuersich in conjunction with claim 1.

IV. Rejection of claims 13, 16 and 19 under 35 U.S.C. § 103

Claims 13, 16 and 19 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Fuersich et al. in view of Chen et al. as applied to claims 3, 4, and 6 above, and further in view of Nesterov et al. The Examiner concedes that Fuersich fails to teach or suggest detecting and correcting a gold-eye occurrence, and cites to Nesterov to correct this deficiency. Applicant submits that claims 13, 16 and 19 are patentable at least by virtue of their dependencies upon claims 3, 4 and 6, respectively. That is, neither Chen nor Nesterov corrects the deficiencies of Fuersich in conjunction with claim 1.

V. New claims

By this Amendment, Applicants have added new claims 20-24 to further define the claimed invention. Applicants respectfully submit claims 20-24 recite additional features which are not taught or suggested by the prior art of record.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Ryan F. Heavener
Registration No. 61,512

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: January 31, 2008